

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET, Rm. 3-193  
NEW YORK, NY 10007

SUZETTE CORINNE RIVERA  
Assistant Corporation Counsel  
Phone: (212) 788-9567  
Fax: (212) 788-9776  
sriviera@law.nyc.gov

December 24, 2007

**BY HAND**

Hon. Richard J. Sullivan  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, New York 10007

Re: Brian Brennan v. City of New York, et al., 07 CV 11197 (RJS)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the City of New York. I write to respectfully request a sixty day enlargement of time, from January 1, 2008, to March 3, 2008, within which the City may answer or otherwise respond to the complaint. This is the defendants first request for an enlargement of time. Plaintiff's counsel, Joel Berger, Esq., has consented to a 30 day enlargement of time.

The complaint alleges, *inter alia*, that plaintiff Brian Brennan was not protected and received delayed medical care while in the custody of the New York City Department of Correction. Before this Office can adequately respond to the complaint, we need to conduct an investigation into plaintiffs' allegations. An enlargement of time will afford us the opportunity to investigate this matter.

In addition, plaintiff has alleged physical injury. Therefore, this office will promptly forward to plaintiff's counsel, for execution by plaintiff, a consent and authorization for the release of plaintiff's medical records so that the information can be accessed, the case can be properly assessed and a response to the complaint can be framed.

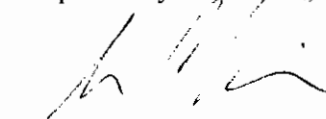
Moreover, the enlargement will allow us to ascertain whether the individually named defendant has been served. In addition to the City of New York, plaintiff purports to name

Correction Officer Darius McLean as well as several unidentified correction officers as defendants.<sup>1</sup> If service has been effectuated upon Correction Officer Darius McLean, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. Correction Officer Darius McLean must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, I respectfully request that the court extend the city's time to answer or otherwise respond to the complaint until March 3, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Suzette Corinne Rivera  
Assistant Corporation Counsel

cc: Joel Berger, Esq. (by FAX)  
212-687-1406

Defendant's time in  
which to answer or otherwise  
respond to the complaint is extended  
from January 1, 2008 to February  
11, 2008.

SO ORDERED  
DATE: 12/29/07  
RICHARD J. SULLIVAN  
U.S.S.J.



---

<sup>1</sup> Although this Office does not currently represent Correction Officer Darius McLean, and assuming he is properly served, this Office also respectfully requests this extension on his behalf in order that his defenses are not jeopardized while representational issues are being decided.